

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

**NEAL HALEY AND SHERRY HALEY,
JAMES AND LEE ANN SCHOFFNER,
AND DARLA MAHALITC, on behalf of
themselves and others similarly situated**

PLAINTIFFS

V.

Civil Action No. 4:09cv094-P-S

**MERIAL, LIMITED, MERIAL, LLC,
and MERIAL, INC.**

DEFENDANTS

**AGREED ORDER CONCERNING THE SCHEDULING
OF THE DEPOSITION OF DR. PETER ROST**

Following this Court's Ruling [Doc. 178] denying Plaintiffs' motion to terminate the deposition of Dr. Peter Rost, this Court set a deadline for the resumption of the deposition of Dr. Peter Rost [Doc. 180]. Plaintiffs have now appealed this Court's denial of their motion to terminate the deposition of Dr. Peter Rost and now seek an amendment of the Order [Doc. 180] setting a deadline for the resumption of that deposition. Defendant has consented to such an amendment and the Court hereby finds and orders as follows:

Should this Court's ruling [Doc. 178] be affirmed, then on or before seven (7) days following the date this Court's ruling is affirmed by the U.S. District Judge, Plaintiffs will give to Defendant not less than three (3) dates on which the resumption of the deposition of Dr. Rost may begin. Each of those dates shall be within twenty-one (21) days following the date Defendant receives notice of those dates. Defendant will select one and resume the deposition on that date.

In that event, Defendant will designate any class certification expert witnesses within fourteen (14) days following the completion of Dr. Rost's deposition. The parties shall then have thirty (30) days following Defendant's expert designation within which to complete class certification discovery. Plaintiffs shall have thirty (30) days after the expiration of the said discovery deadline within which to file their motion for class certification.

Should this Court's ruling [Doc. 178] not be affirmed, then this Court will enter a revised scheduling order based upon the ruling of the U.S. District Judge.

SO ORDERED this, the 7th day of February, 2011.

/s/ David A. Sanders
U. S. MAGISTRATE JUDGE

AGREED TO AS TO FORM:

/s/C. W. WALKER, III
C.W. WALKER, III
Counsel for Plaintiffs

/s/MICHAEL E. McWILLIAMS
MICHAEL E. McWILLIAMS
Counsel for Defendants